

San Diego County Code of Regulatory Ordinances
TITLE 8 ZONING AND LAND USE REGULATIONS*
DIVISION 7. EXCAVATION AND GRADING*

SEC. 87.301. PERMIT AUTHORIZATION.

The issuance of a grading permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit, or on the site plans and specifications approved by the County Official and the work shall be done in accordance with any conditions imposed by the County Official and in accordance with the requirements of this division.

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SEC. 87.302. OTHER PERMITS MAY BE REQUIRED.

Permits issued pursuant to this division shall not relieve the owner of responsibility for securing required permits for work to be done which is regulated by any other provision of this Code of County ordinance.

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SEC. 87.302.1. USE PERMIT.

No grading permit shall be issued when borrow or waste material is to be removed from a grading site unless a Use Permit has been issued for the operation of a borrow pit on the grading site, a legally nonconforming borrow pit is being operated on the grading site or the grading comes within one of the exceptions listed in The Zoning Ordinance of the County of San Diego.

(Added by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3944 (N.S.), effective 9-14-72; amended by Ord. No. 5942 (N.S.), effective 12-25-80)

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SEC. 87.303. TIME LIMITS.

- (a) The permittee shall complete all of the work required to be done pursuant to the grading permit within the time specified in such permit.
- (b) If grading and all other work required pursuant to a permit are not completed within the time limit specified in paragraph (a) above, no further grading shall be done until the permit has been renewed. To renew a permit there must be a new application and payment of fees based upon the work remaining to be done. Plans must be revised and rechecked.
- (c) If an applicant for a grading permit submits a plan, pays the plan check fee, has not been issued a permit and such applicant takes no action for a ninety (90) calendar days period from the commencement date in the application, or if no commencement date is shown from the date of the application, the plan check fee shall be forfeited and the plans returned to the last known address of the applicant. For any further action on the plans thus submitted, the applicant shall pay new plan check fees.
- (d) If an applicant for a grading permit other than that issued under the terms of Section 87.210 submits a plan, pays a plan check fee and prior to the date shown on the application as the date of commencement of work, has not been issued a permit for which the application has been made and the applicant takes no action for a ninety (90) calendar day period from the commencement date in the application, or if no date is shown, the estimated date of commencement, the plan check fee shall be forfeited and the plans returned by mail to the last known address of the applicant. For any further action on the plans thus submitted, the applicant shall pay a new plan check fee.
- (e) Notwithstanding any other provision of this section, no permit shall expire by limitation and become null and void by reason of failure to commence work authorized by such permit or by reason of suspension of such work if the failure to commence work or the suspension of work is caused solely by delay incident to securing a decision of the Regional Commission excluding the subject property from the coastal permit area pursuant to Section 27104 of the Public Resources Code or a delay incident to securing a permit from the Regional Commission pursuant to Chapter 5 (commencing with Section 27400) of the Public Resources Code).

(Amended by Ord. No. 3281 (N.S.), effective 1-22-69; amended by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3944 (N.S.), effective 9-14-72; amended by Ord. No. 4094 (N.S.), effective 5-31-73; amended by Ord. No. 5129 (N.S.), effective 5-4-78)

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SEC. 87.304. STORM DAMAGE PRECAUTIONS.

(a) All persons performing any grading operations shall remove all loose dirt from the grading site and provide adequate anti-erosion or drainage devices, debris basins, or other safety devices and take all safety precautions reasonably necessary to protect persons and property. All such persons shall put into effect all safety precautions which in the opinion of the County Official are necessary.

(b) The County Official may prepare, maintain and disseminate guidance documents identifying pollution prevention and control practices for construction activities and other activities that have been determined by the County Official to be effective and practicable in specified circumstances. The County Official may take any such guidance into account when determining whether any practice proposed in a grading plan, or any other submittal, is in compliance with this division.

(Amended by Ord. No. 9343 (N.S.), effective 6-22-01)

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SEC. 87.305. CONDITIONS OF APPROVAL.

In granting any permit pursuant to this division, the County Official may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to public or private property, and he may modify or add conditions to any valid permit granted pursuant to this division when he finds that such modification or addition is reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to public or private property. Such conditions may include but need not be limited to:

1. Improvement of any existing grading to bring it up to the standards required by this division for new grading.
2. Requirements for fencing of excavations or fills which would otherwise be hazardous.
3. Adequate dust control measures by watering or other method acceptable to the County Official.
4. An approved operational plan for creating, filling, discharging, and removing water ponding areas necessary in the operation of a borrow pit.

(Amended by Ord. No. 3944 (N.S.), effective 9-14-72)

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SEC. 87.306. LIABILITY.

Neither the issuance of a permit under the provisions of this division, nor the compliance with the provisions hereof or with any conditions imposed by the County Official hereunder, shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor impose any liability upon the County for damage to persons or property.

The County Official or any employee charged with the enforcement of this division, acting in good faith and without malice for the County in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the County Official or employee, because of such act or omission performed by him in the enforcement of any provisions of this division, shall be defended by the legal department of the County until final termination of the proceedings.

(Amended by Ord. No. 5322 (N.S.), effective 1-11-79)

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SEC. 87.307. RESPONSIBILITY OF PERMITTEE -- PROTECTION OF UTILITIES.

During grading operations the permittee shall be responsible for the prevention of damage to any public utilities or services. This responsibility applies within the limits of grading and along any routes of travel of equipment.

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SEC. 87.308. RESPONSIBILITY OF PERMITTEE -- PROTECTION OF ADJACENT PROPERTY.

Notwithstanding the minimum standards set forth in this division the permittee is responsible for the prevention of damage to adjacent property and no person shall excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any other public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.

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SEC. 87.309. MAINTENANCE OF PROTECTIVE DEVICES.

The owner of any property on which a fill or excavation has been made pursuant to a permit granted under the provisions of this division, or any other person or agent in control of such property, shall maintain in good condition and repair all retaining walls, cribbing, drainage structures or means and other protective devices and planting shown in the approved plans and specifications or in the as-built plans or required by the permit. Facilities dedicated for use by the public and accepted for such use by a public agency are excepted.

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SEC. 87.310. AGREEMENT REQUIRED -- BORROW PIT.

(Amended by Ord. No. 3792 (N.S.), effective 12-17-71; amended by Ord. No. 3944 (N.S.), effective 9-14-72; amended by Ord. No. 4303 (N.S.), effective 6-6-74; repealed by Ord. No. 5129 (N.S.), effective 5-4-78)